

OLF 3 (Official Local Form 3 and Cover Sheet)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

CHAPTER 13 PLAN COVER SHEET

Filing Date: <u>09/26/17</u>	Docket #: <u>17-13546</u>
Debtor: <u>Christian F. Gannett</u>	Joint Debtor: <u>Kathi L. Pelletier-Gannett</u>
SS#: (last 4 digits) <u>4127</u>	SS#: (last 4 digits) <u>8196</u>
Address: <u>5 Maudsley View Lane</u>	Address: <u>5 Maudsley View Lane</u>
<u>Amesbury, MA 01913</u>	<u>Amesbury, MA 01913</u>
<u></u>	<u></u>

Debtor's Counsel: Freya Allen Shoffner

Address: 210 Washington Street

Woburn, MA 01801

Telephone #: 781-935-2143 Facsimile #: 781-935-2144

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THIRTY (30) DAYS AFTER THE 11 U.S.C. § 341 MEETING OR THIRTY (30) DAYS AFTER THE SERVICE OF AN AMENDED OR MODIFIED PLAN TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR(S), DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

OLF 3 (Official Local Form 3 and Cover Sheet)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

PRE-CONFIRMATION CHAPTER 13 PLAN

Filing Date: 09/26/17

Docket No.: 17-13546

Debtor: Christian F. Gannett

Joint Debtor: Kathi L. Pelletier-Gannett

SS#: (last 4 digits) 4127

SS#: (last 4 digits) 8196

I. PLAN PAYMENT AND TERM:

Debtor(s) shall pay monthly to the trustee the sum of \$ 1,758.00 for the term of:

☐ 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);

☒ 60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii);

☐ 60 Months. 11 U.S.C. § 1322(d)(2). Debtor avers the following cause:

; or

 Months. The debtor states as reasons therefore:

II. SECURED CLAIMS:

A. Claims to be paid through the Plan (including arrears):

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
<u>Toyota Motor Credit</u>	<u>Pre-petition arrears - Miscellaneous fees</u>	<u>\$ 311.46</u>
		\$

Total of secured claims to be paid through the Plan: \$ 311.46

B. Claims to be paid directly by debtor to creditors (Not through Plan):

Creditor	Description of Claim
<u>Ditech</u>	<u>First mortgage for 5 Maudsley View Lane, Amesbury, MA</u>
<u>21st Mortgage Corp</u>	<u>Second mortgage for 5 Maudsley View Lane, Amesbury, MA</u>
<u>Toyota Motor Credit</u>	<u>Monthly vehicle lease agreement payment.</u>

C. Modification of Secured Claims:

Creditor	Details of Modification (Additional Details May Be Attached)	Amt. of Claim to Be Paid Through Plan
_____	_____	\$ _____
_____	_____	\$ _____

D. Leases:

- i. The debtor(s) intend(s) to reject the residential/personal property lease claims of _____;
- or
- ii. The debtor(s) intend(s) to assume the residential/personal property lease claims of _____.
- iii. The arrears under the lease to be paid under the Plan are _____.

III. PRIORITY CLAIMS:

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
_____	_____	\$ _____
_____	_____	\$ _____

B. Other:

Creditor	Description of Claim	Amount of Claim
IRS	Federal Tax Liability	\$ 17,620.10
MDOR	MA Income Tax Liability 2015	\$ 577.77
MDOR	MA Sales Tax	\$ 6,669.83
		\$
Total of Priority Claims to be paid through the Plan:		\$ 24,867.70

IV. ADMINISTRATIVE CLAIMS:

A. Attorney's Fees (to be paid through the Plan): \$

B. Miscellaneous Fees:

Creditor	Description of Claim	Amount of Claim
		\$
		\$
		\$
Total of Administrative Claims to be Paid through the Plan:		\$

C. The chapter 13 trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% trustee's commission.

V. UNSECURED CLAIMS:

The general unsecured creditors shall receive a dividend of 67.776 % of their claims.

A. General unsecured claims \$ 99,617.67

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of Claim	Amount of Claim
		\$
		\$

_____ \$ _____

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of Claim	Amount of Claim
<u>Navient</u>	<u>Student Loan</u>	<u>\$ 2,209.10</u>

_____ \$ _____

_____ \$ _____

Total of Unsecured Claims (A + B + C): \$ 101,826.77

D. Multiply total by percentage: \$ 69,014.11
(Example: Total of \$38,500.00 x .22 dividend = \$8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of Claim	Amount of Claim
<u>Internal Revenue Service</u>	<u>Federal Tax Liability</u>	<u>\$ 1,047.16</u>

<u>MDOR</u>	<u>State Tax Liability</u>	<u>\$ 49.30</u>
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_____ \$ _____

Total amount of separately classified claims payable at 67.903 %: \$ 743.14

VI. OTHER PROVISIONS:

A. Liquidation of assets to be used to fund the Plan:

B. Miscellaneous Provisions:

VII. CALCULATION OF PLAN PAYMENT:

A. Secured claims (Section II-A Total): \$ 311.46

B. Priority claims (Section III-A & B Total): \$ 24,867.70

- C. Administrative claims (Section IV-A & B Total): \$ _____
- D. Regular unsecured claims (Section V-D Total): \$ 69,014.11
- E. Separately classified unsecured claims (Section V-E): \$ 743.14
- F. Total of A + B + C + D + E above: = \$ 94,936.41
- G. Divide (F) by .90 for total including trustee's fee:
- Cost of Plan = \$ 105,484.90
- (This represents the total amount to be paid into the Chapter 13 Plan)
- H. Divide (G), Cost of Plan, by Term of Plan, 60 months
- I. Round up to nearest dollar for Monthly Plan Payment: \$ 1,758.08
(Enter this amount on page 1)

Pursuant to 11 U.S.C. §1326(a)(1) unless the Court orders otherwise, debtor shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed. Pursuant to 11 U.S.C. §1326(a)(1)(C), the debtor shall make preconfirmation adequate protection payments directly to the secured creditor.

VIII. LIQUIDATION ANALYSIS:

A. Real Estate:

Address	Fair Market Value	Total Amount of Recorded Liens (Schedule D)
<u>5 Maudsley View Ln</u>	\$ <u>527,747</u>	\$ <u>447,923.27</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
Total Net Equity for Real Property:		\$ <u>79,823.74</u>
Less Total Exemptions (Schedule C):		\$ <u>79,823.74</u>
Available Chapter 7:		\$ <u>0.00</u>
B. Automobile (Describe year, make, model):		
<u>2008 Mazda</u> Value \$ <u>1111.00</u> Lien \$ <u>0.00</u> Exemption		\$ <u>1,111.00</u>
<u>2004 Honda</u> Value \$ <u>1510.00</u> Lien \$ <u>0.00</u> Exemption		\$ <u>1,510.00</u>
Total Net Equity:		\$ <u>2,621.00</u>

Less Total Exemptions (Schedule C) \$ 2,621.00

Available Chapter 7: \$ 0.00

C. All other Assets: (All remaining items on Schedule A/B): (Itemize as necessary)

Yamaha VX Cruiser - \$6,990.00, Household goods - \$2,000.00, clothing - \$2,000.00, jewelry - \$1,500.00, checking - \$11,802.78, fidelity - \$6,150.00.

Total Net Value: \$ 30,442.78

Less Exemptions (Schedule C): \$ 30,442.78

Available Chapter 7: \$ 0.00

D. Summary of Liquidation Analysis (total amount available under Chapter 7):

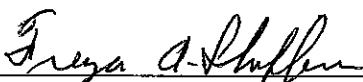
Net Equity (A and B) plus Other Assets (C) less all claimed exemptions:

\$ 0.00

E. Additional Comments regarding Liquidation Analysis:

IX. SIGNATURES:

Pursuant to MLBR Appendix 1, Chapter 13 Rules, the debtor or his or her attorney is required to serve a copy of the Plan upon the chapter 13 trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.


Debtor's Attorney

11/28/17
Date

Attorney's Address: 210 Washington Street, Woburn, MA 01801

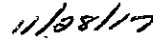
Tel. # (781) 935 - 2143

Email Address: fashoffner@shoffnerassociates.com

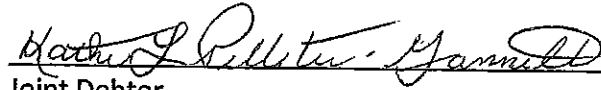
I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.



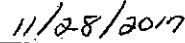
Debtor



Date



Joint Debtor



Date

CERTIFICATE OF SERVICE

I, Freya Allen Shoffner, hereby certify that on November 28, 2017 I electronically filed the foregoing Debtor's First Amended Chapter 13 Plan and served same upon those served by the CM/ECF system and to the parties on the list attached.

Via CM/ ECF System

John Fitzgerald, US Trustee

Carolyn Bankowski, Ch. 13 Trustee

Dated: November 28, 2017

/s/ Freya Allen Shoffner
Freya Allen Shoffner, BBO# 560658
Shoffner & Associates
210 Washington Street
Woburn, MA 01801
(781) 935-2143
fashoffner@shoffnerassociates.com

21st Mortgage Corp
PO Box 477
Knoxville, TN 37901-0477

American Express Bank
PO Box 1270
Newark, NJ 07101-1270

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Capital One Retail Services
PO Box 71106
Charlotte, NC 28272-1106

Cathedral Ledge Condominium
PO Box 39
Intervale, NH 03845-0039

Comenity - Loft
PO Box 659569
San Antonio, TX 78265-9569

Creative Co op
6000 Freeport Ave
Memphis, TN 38141-8394

Dick's/Synchrony Bank
PO Box 530916
Atlanta, GA 30353-0916

Discover Credit Card
PO Box 71084
Charlotte, NC 28272-1084

Ditech
PO Box 6172
Rapid City, SD 57709-6172

Home Depot Credit Services
PO Box 9001010
Louisville, KY 40290-1010

Internal Revenue Servic
15 New Sudbury St # M
Boston, MA 02203-0002

Kohl's Payment Center
PO Box 2983
Milwaukee, WI 53201-2983

Lending Club
71 Stevenson St Ste 300
San Francisco, CA 94105-2985

Lowes
c/o Lowes/Synchrony Bank
PO Box 530914
Atlanta, GA 30353-0914

Massachusetts Department of Revenue
PO Box 9564
Boston, MA 02114-9564

Navient
PO Box 9500
Wilkes Barre, PA 18773-9500

RTN Federal Credit Union
Visa
PO Box 37603
Philadelphia, PA 19101-0603

Square Capital
1455 Market St Ste 600
San Francisco, CA 94103-1357

Synchrony Bank/Amazon
PO Box 960013
Orlando, FL 32896-0013

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PO Box 659617
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